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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,712	01/08/2004	Kenneth Ray Marley	2003 - Marley,Kenneth	6295
7590	12/27/2005			
Randal D. Homburg P.O. Box 10470 Midwest City, OK 73140-1470				
EXAMINER BARRETT, SUZANNE LALE DINO				
ART UNIT		PAPER NUMBER		
3676				

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,712

Applicant(s)

MARLEY ET AL.

Examiner

Suzanne Dino Barrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vuillemot 3,884,055 in view of Hillabush et al 6,467,317, Niswanger D436,064, Hurst 6,427,496 and Harris 4,577,884 or Mamo 3,391,555. Vuillemot and Niswanger both teach a trailer hitch lock device for a ball type hitch comprising a base member (16 of Vuillemot; bottom portion of Niswanger) having an upwardly extending central mounting pedestal (18 of Vuillemot; pedestal in central portion of Niswanger) affixed thereto and two side margins, a first side plate (22 of Vuillemot; left side of Niswanger) with a hole 26 for a locking pin, a second side plate (24 of Vuillemot; right side plate of Niswanger) with a hole 28 for a locking pin, and a locking pin (20 of Vuillemot; pin of Niswanger) with an apertured flat tang 31 at the end thereof to receive a conventional padlock 32. Vuillemot fails to teach a countersink or recessed margin in the first side plate hole 22/26 to receive the head of the locking pin and a lock collar to surround the padlock and a lock shield for the locking pin. Hillabush et al clearly teach the advantage of providing a lock collar 100 around a conventional padlock to prevent tampering therewith. Niswanger teaches the use of the type of padlock which would accommodate a collar such as

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taught by Hillabush. Hurst clearly teaches the advantage of providing a countersunk hole for a locking pin head in order to prevent tampering therewith. And both Harris and Mamo teach an arching lock shield (19; 16 respectively) mounted between the first and second side plates and over the locking pin (20; 8) to prevent tampering with the locking pin. It would have been obvious to one of ordinary skill in the art to provide the lock device of Vuillemot with the various well known anti-tamper features as taught by Hillabush et al, Niswanger, Hurst and Harris or Mamo in order to enhance the security of the locking device.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vuillemot 3,884,055 in view of Hillabush et al 6,467,317, Niswanger D436,064, Hurst 6,427,496 and Harris 4,577,884. Harris teaches a lock shield 19 attached at both side portions 18 and arching over the lock pin 20. It would have been obvious to one of ordinary skill in the art to modify the lock of Vuillemot, as modified, to have a shield for the lock pin as taught by Harris in order to prevent tampering with the lock pin.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vuillemot 3,884,055 in view of Hillabush et al 6,467,317, Niswanger D436,064, Hurst 6,427,496 and Harris 4,577,884, as applied to claim 1, and further in view of Fazzolari et al 4,616,493. Fazzolari et al teach the use of a roll pin 38 within a lock spindle as an anti-drill or anti-saw feature. It would have been obvious to modify the lock pin of Vuillemot, as modified, to have such a roll pin as taught by Fazzolari et al as an obvious matter of design choice in enhancing the security of the lock device by preventing drilling or sawing of the lock pin.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Since the previous rejection was incomplete as to the rejection of claim 3, this is a new non-final action. As set forth in the rejection above, it is maintained that the combination of references is proper and valid. Vuillemot clearly teaches the basic structure of the claimed ball hitch locking device, but fails to teach various anti-theft features which are taught by the prior art secondary references. Namely, Niswanger clearly teaches a similarly constructed lock device employing another type of conventional padlock which is usable with the lock collar of Hillabush. Further, Hurst clearly teaches a recessed portion for receiving the head of a locking pin as an anti-tamper feature. While Applicant argues that Hurst merely contemplates anti-rotation, it is submitted that an unauthorized rotation feature constitutes an anti-tamper feature. Furthermore, the claim does not recite this recessed structure as a "tamper prevention" feature. With respect to Harris and Mamo, it is maintained that regarding claims 1 and 2, Harris teaches an upper shield 19, as claimed regardless of the type of lock pin employed by Harris. The examiner submits that the claimed lock pin is clearly taught by Vuillemot, and Harris is relied upon for the teaching of an upper shield which limits visibility of the pin. Clearly the combination of an upper shield as taught by Harris would limit the visibility of the lock pin of Vuillemot. Furthermore, Applicant's argument that Harris only teaches lock posts which are not covered by the shield is not persuasive

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since the instant claims do not recite that the shield protects the lock pin, but rather that the shield forms and “arch over said pin hole of said first side plate and said pin hole of said second side plate” (claim 1, lines 15-16). Further with respect to claim 1, Mamo further teaches the use of a shield member 16 around the lock pin and attachable between the sides of the lock base portion as claimed, and clearly teaching an upper shield portion above the lock pin. With respect to Fazzolari, it is maintained that the further addition of another anti-tamper feature to the Vuillemot device would have been obvious to one of ordinary skill in the art given the teaching in Fazzolari. Accordingly, claims 1-3 stand rejected under 35 USC 103.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb